

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CR-276-BO

CHRISTOPHER ROY PERRY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER AND NOTICE

Notice is hereby given to the petitioner, Christopher Roy Perry, that the Court intends to construe his motion for relief pursuant to F.R.C.P. 60(b) and F.R.C.P. 60(d) [DE 49] as a motion to vacate, set aside or correct a sentence pursuant to 28 U.S.C. § 2255. The Court GRANTS petitioner 21 (twenty-one) days from the filing of this notice to confirm or deny his intent to file a motion pursuant to 28 U.S.C. § 2255. If a response is not filed within this time, this Court will presume that petitioner is not seeking such relief and his motion will be dismissed. Should the petitioner notify this Court of his intention to file a motion pursuant to 28 U.S.C. § 2255, the Clerk of Court is DIRECTED to provide petitioner with the appropriate forms on which to file such a motion.

The Court further warns petitioner of the effects of filing a motion pursuant to 28 U.S.C. § 2255, and advises him as to the requirements of section 2255. *See Castro v. United States*, 540 U.S. 375, 377, 383 (2003); *see also United States v. Emmanuel*, 288 F.3d 644, 649 (4th Cir. 2002).

DONE AND ORDERED, this 10 day of January, 2019.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE